

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Adopted and Filed**

**Rule making related to prohibition of mechanical restraints in residential care facilities**

The Department of Inspections and Appeals hereby amends Chapter 57, “Residential Care Facilities,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 10A.104 and 135C.14.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 135C.14.

*Purpose and Summary*

The amendments add definitions of “mechanical restraint,” “physical restraint” and “prone restraint”; add a requirement for facilities to provide staff with proper training on the use of physical restraints; and expressly prohibit the use of mechanical restraints in residential care facilities.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 6, 2017, as **ARC 3473C**. A public hearing was held on January 3, 2018, at 10 a.m. in the Lucas State Office Building, Des Moines, Iowa. The public hearing addressed four Notices of Intended Action. Representatives from Hillcrest Family Services and Community NeuroRehab submitted written comments concerning the proposed amendments to the Department’s administrative rules dealing with residential care facilities. However, no comments addressed this specific rule making. The Department has made one change from the Notice by adding a new Item 2, which contains an amendment that requires facilities that use physical restraints as part of a crisis intervention program to provide staff with proper training on the use of physical restraints. Item 2 of the Notice has been renumbered as Item 3.

*Adoption of Rule Making*

This rule making was initially reviewed by the State Board of Health at its November 8, 2017, meeting, and subsequently approved by the Board at its March 14, 2018, meeting. This rule making was adopted by the Department on March 14, 2018.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on May 16, 2018.

The following rule-making actions are adopted:

ITEM 1. Adopt the following new definitions in rule **481—57.1(135C)**:

“*Mechanical restraint*” means restriction by the use of a mechanical device of a resident’s mobility or ability to use the hands, arms or legs.

“*Physical restraint*” means direct physical contact on the part of a staff person to control a resident’s physical activity for the resident’s own protection or for the protection of others.

“*Prone restraint*” means a restraint in which a resident is in a face-down position against the floor or another surface.

ITEM 2. Amend rule 481—57.33(135C), introductory paragraph, as follows:

**481—57.33(135C) Crisis intervention.** If a facility utilizes physical restraints, ~~there~~ the facility shall ~~be~~ have written policies that define the uses of physical restraints, designate the administrator or designee as the person who may authorize their use, ~~and~~ establish a mechanism for monitoring and controlling their use, and provide staff with proper training. (I, II, III)

ITEM 3. Adopt the following new subrule 57.33(8):

**57.33(8)** Mechanical restraint is prohibited. Staff persons who find themselves involved in the use of a mechanical restraint when responding to an emergency must take immediate steps to end the mechanical restraint. (I, II)

[Filed 3/14/18, effective 5/16/18]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/11/18.